

Application No. 10/711,517
Amdt. dated September 19, 2004
Reply to Office Action of July 19, 2005

054030-0066

REMARKS/ARGUMENTS

Responsive to the restriction requirement in the Office Action dated July 19, 2005, the claims of Group I (Claims 1-23, classified in class 436, subclass 525) are elected with traverse for prosecution. Applicant reserves the right to file a continuing or divisional application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not abandon or waive any rights in the non-elected inventions. Further, the claims of the present invention have been amended as discussed below:

Status of Claims:

In the application, claims 1-41 are currently pending in the application of which claims 24-41 have been withdrawn from consideration with traverse.

Restriction Requirement

In the Office Action, restrictions to one of the following inventions were required, namely:

- I. Claims 1-23, drawn to a method for detecting a ligand;
- II. Claims 24-29, drawn to a detection surface;
- III. Claims 30-36, drawn to a method of orienting a liquid crystal on a surface containing a ligand; and
- IV. Claims 37-41, drawn to a kit for detecting a ligand.

While Applicant has made the required elections, several aspects of the restriction requirement are believed improper and are respectfully traversed. The Examiner required restriction between several processes of making and products made. However, the Examiner is asked to consider, for example, Inventions I and II, in particular the method recited in claim 1 as it relates to the products of claim 24. Applicant submits that no undue burden is placed on the Examiner in examining these processes of making and corresponding products made because, despite the Examiner alleging a separate classification of the related inventions, the Examiner

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would not be required to search for one of the subjects in places where no pertinent art to the other subject exists. Similarly Applicant submits that inventions I and III are related method claims, specially as recited in claims 1 and 30, and inventions I and IV are related process and apparatus claims, specifically as recited in claims 1 and 37, and despite separate classification of the related inventions the Examiner would not be required to search for one of the subjects in places where no pertinent art to the other subject exists. Therefore, restrictions between Inventions I, II, II and IV should be withdrawn as there is no undue burden on the Examiner in examining the respective subjects.

CONCLUSION

It is respectfully submitted that claims 1-23 are in condition for allowance and notice to that effect is earnestly solicited. Applicant further requests rejoinder of claims 24-41 with claims 1-23. The Examiner is urged to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Office is authorized to charge the processing fee or any other surcharges, or underpayment, including extension of time, as deemed necessary and appropriate to the Deposit Account 07-1509 of Godfrey & Kahn, S.C.

Respectfully Submitted,

GODFREY & KAHN, S.C.

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